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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,360	04/24/2001	Franc J. Camara	205716	6257

23460 7590 03/08/2006

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE 4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL 60601-6780

EXAMINER

SAX, STEVEN PAUL

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/841,360

Applicant(s)

CAMARA

Examiner

Steven P. Sax

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This application has been examined. The amendment filed 12/7/05 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinson et al (6144391).

4. Regarding claim 1, Hinson et al show the method for presenting a video stream captured by a video streaming device having no captured image storage (Figure 2, column 4 lines 1-30 and 40-50 – the store is separate from the video streaming device itself and this is one of the purposes of the invention), including: presenting a view of the video stream currently captured by the video streaming device to the user

(column 7 lines 10-20), contemporaneously presenting images previously captured by the video streaming device to the user (column 7 lines 25-45, column 8 lines 42-60).

5. Regarding claim 2, note the medium (such as column 6 lines 15-20).
6. Regarding claim 3, the captured images are retrieved from a storage location accessible by a computer and presented to the user on the display of the computer (Figure 4, column 7 lines 55-67, column 8 lines 42-65).
7. Regarding claim 4, the storage location is a virtual folder (column 10 lines 25-35).
8. Regarding claim 5, a user interface is displayed to the user having a streaming video display area in which the view of the video stream is displayed and a captured image display area in which the previously captured images are displayed (column 8 lines 49-65, column 10 lines 40-50, column 11 lines 10-28).
9. Regarding claim 6, the interface has a control for capturing a still image from the view of the video stream being displayed, and in response to activating the control, capturing the still image and adding it to the previously captured images (column 8 lines 42-65, column 10 lines 25-45).

10. Claim 7 shows the same features as claim 6 and is rejected for the same reasons.

11. Regarding claim 8, there may be a break in communication between the video streaming device and the computer between the time that the previously captured images were taken and the time the view is presented (column 9 lines 3-21 and 45-61).

12. Regarding claim 9, the computer may be turned off between the time that the previously captured images were taken and the time the view is presented (column 9 lines 3-21 and 45-61).

13. Regarding claim 10, in addition to that mentioned for claim 1, note the folder that normally holds icons and displaying the icon to preview the video stream with the previously captured images (column 8 lines 28-42).

14. Regarding claim 11, note the medium (such as column 6 lines 15-20).

15. Regarding claim 12, the interface has a control for capturing a still image from the view of the video stream being displayed, and in response to activating the control, capturing the still image and adding it to the previously captured images (column 8 lines 42-65, column 10 lines 25-45).

16. Regarding claim 13, the streaming video device is recognized as one from which images have been previously captured, and still images from storage locations are retrieved (column 7 lines 5-25).

17. Claims 14-16 show the same features as claims 1-2 and 6 respectively, and are rejected for the same reasons.

18. Regarding claim 17, software modules have a still image processing layer for processing the user captured image and presenting it to other software modules (column 7 lines 20-35 and column 9 lines 30-45).

19. Regarding claim 18, the software modules have a filter module for determining whether the video streaming device has a still image pin and if so exposes the device to the still image processing layer as a still image device (column 7 lines 20-46, column 8 lines 42-65, column 10 lines 25-45).

20. Regarding claim 19, the file management software module represents the video streaming device and further reinforces the illusory concept that the previously captured images were stored on the device itself (column 7 lines 25-45, column 8 lines 42-60, column 10 lines 25-35).

21. Regarding claim 20, the user selects the video streaming device using the file management software module which retrieves the previously captured images and presents them to the user as if they were stored on the device itself (column 10 lines 20-40).

22. Regarding claim 21, the medium has means for storing the previously captured images (column 5 lines 45-55 or column 6 lines 1-20 for example).

23. Regarding claim 22, the storing means is a virtual folder (column 10 lines 25-35).

24. Applicant's arguments filed have been fully considered but they are not persuasive. The video stream in Hinson may be currently captured as well, and then compared. This makes use of the streaming device, which is part of the system in total. Applicant is invited to contact Examiner to further discuss claim interpretation.

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

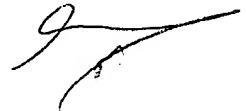
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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